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MISSOULA, MT  
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PATRICK E. DUFFY  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

RICK SCHAEFFER and DON SCHAEFFER,	)	Cause No. CV 05-127-M-DWM
	)	
Plaintiffs,	)	
	)	
vs.	)	ORDER
	)	
UNITED STATES FOREST SERVICE,	)	
	)	
Defendant.	)	
_____	)	

United States Magistrate Leif B. Erickson entered Findings and Recommendation in this matter on June 5, 2006. Plaintiffs did not file objections and are therefore not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error.

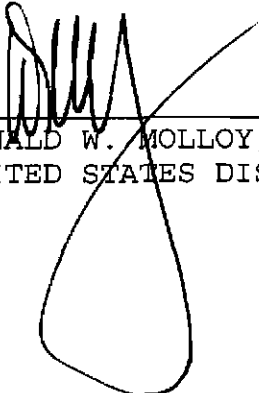
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

It is Judge Erickson's recommendation that Plaintiffs' action be Dismissed without prejudice pursuant to Rule 4(m) for failure to serve the summons and Complaint on Defendant within

120 days after filing the Complaint.

I find no clear error in Judge Erickson's Findings and Recommendation (dkt #5) and I adopt them in full. This action is Dismissed without prejudice pursuant to Rule 4(m) for failure to serve the summons and Complaint on Defendant within 120 days after filing the Complaint.

DATED this 22nd day of August, 2006.



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DONALD W. MOLLOY, CHIEF JUDGE  
UNITED STATES DISTRICT COURT